

S/N 10/566460

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

Claim 1 has been amended to include the features of claim 3. Claims 3 and 5 have been canceled without prejudice or disclaimer. Claim 7 has been amended editorially.

Drawing Objection

The drawings are objected to for the reasons noted in the office action.

Claim 5 has been canceled, rendering that aspect of the objection to the drawings moot. Appropriate legends have been added to FIG. 17 and FIG. 18.

Withdrawal of the objection is requested.

Specification

The title has been amended to be more descriptive as requested.

Indefiniteness Rejection

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph. Claim 7 has been amended editorially. Withdrawal of the rejection is requested.

Prior Art Rejections

Claims 1, 2, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroki. (U.S. 5,703,841). The rejection is moot since claim 3 is now included in claim 1. Applicants are not conceding the correctness of the rejection.

Obviousness Rejections

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroki (U.S. Patent 5,703,841) in view of Toshiaki et al. (U.S. Publ. No. 2004/0076094 A1). Applicants respectfully traverse this rejection.

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Claim 1 requires an outer power calibration area that forms part of the data recordable area on the outer periphery of the recording layer. A benefit of providing the outer power calibration area on the outer periphery of the recording layer includes, but is not limited to, the enablement of power calibration in an area with better mechanical properties resulting in the advantage of being able to determine the optimum write power reliably and within a short period of time. (page 6, lines 13-22) Toshiaki neither discloses nor suggests this feature.

Toshiaki merely discloses that an outer power calibration area is located outside the program region where data is stored (see paragraph 0026). Toshiaki fails to disclose that the outer power calibration area forms part of the data recordable area, as required by claim 1.

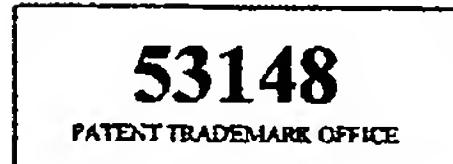
Therefore, Toshiaki does not remedy the deficiencies of Hiroki and the applicants respectfully request that the rejection be withdrawn.

Claims 2, 4, 6-17, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiroki and various secondary references. Claims 2, 4, 6-17, and 23 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these claims should be withdrawn. Applicants do not concede the correctness of the rejections.

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

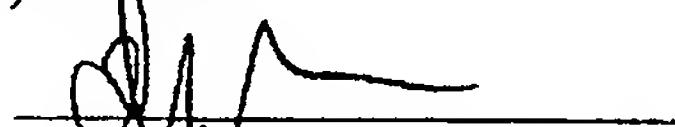
If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Dated: March 23, 2009

Respectfully submitted,

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